

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
WASHINGTON, D.C. 20202**

**FY 2003
APPLICATION FOR GRANTS
UNDER THE CREDIT ENHANCEMENT FOR
CHARTER SCHOOL FACILITIES PROGRAM**

CFDA Number: 84.354A

**FORM APPROVED
OMB No. 1810-0644, EXP. DATE 2/28/2006**



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Note: Copies of standard forms are available at the U.S. Department of Education's website at <http://ocfo.ed.gov/grntinfo/appforms.htm>

(LETTERHEAD)

Dear Colleague:

Thank you for your interest in the Credit Enhancement for Charter School Facilities Program administered by the U.S. Department of Education, Office of Innovation and Improvement. I am pleased to announce that approximately \$25 million will be available this year to support an estimated 3-5 projects under this program.

Currently, about 2,700 charter schools operate around the country. These public schools provide parents and students with options that can lead to better student achievement. However, many charter schools face significant challenges when trying to obtain facilities; insufficient revenue and lack of access to private funding for facilities top the list. The purpose of the Credit Enhancement for Charter School Facilities Program (authorized by Title V, Part B, Subpart 2 of the Elementary and Secondary Education Act (ESEA)) is to support projects that test and demonstrate strategies for helping charter schools with varying degrees of credit-worthiness gain access to financing for facilities.

This program will provide competitive grants to eligible entities to demonstrate innovative credit enhancement strategies that assist charter schools in accessing private-sector and other non-Federal capital. Grantees will place funds in a reserve account, which will then be used to attract capital to address the cost of acquiring, constructing, or renovating charter school facilities. The reserve account funds are not for the direct purchase, lease, renovation, or construction of school buildings.

Eligible applicants include public entities (such as State and local government agencies), private non-profit organizations, and consortia of eligible entities. For example, a consortium that consists of a State government entity and a private non-profit would be eligible to apply. By statute, the Secretary is required to make, if possible, at least one award in each of the three categories of eligible applicants (public entities, private nonprofit entities, and consortia).

Information to assist in preparing your application is found in the Notice Inviting Applications (Section A) and in the

Application Contents section (Section C) of this application package.

Applications must be post-marked or hand-delivered to the Department in accordance with the section titled *Application Transmittal Instructions* no later than June 3, 2003, for consideration. An application that is not submitted by the deadline will be returned to the applicant and will not be considered.

We expect to make awards under this program approximately two months after the application deadline. The funds for the reserve account, once obligated (i.e., placed in a reserve account), will be available for use by the grantee, so long as they are used for the program purposes, until the funds are expended. Administrative costs must be obligated by September 30, 2004.

For further information, please contact Jim Houser, Credit Enhancement for Charter School Facilities Program, (202) 401-0307, e-mail jim.houser@ed.gov.

Sincerely,

Nina S. Rees

SECTION A

APPLICATION NOTICE

4000-01-U

DEPARTMENT OF EDUCATION

(CFDA No. 84.354A)

Office of Innovation and Improvement

Credit Enhancement for Charter School Facilities Program

Notice inviting applications for new awards for fiscal year
(FY) 2003.

PURPOSE OF PROGRAM: This program will provide grants to eligible entities to permit them to enhance the credit of charter schools so that they can access private-sector and other non-Federal capital to acquire, construct, and renovate facilities at a reasonable cost. Grant projects awarded under this program will be of sufficient size, scope, and quality to enable the grantees to implement effective strategies.

ELIGIBLE APPLICANTS: (A) A public entity, such as a State or local governmental entity; (B) A private, nonprofit entity; or (C) A consortium of entities described in (A) and (B).

APPLICATIONS AVAILABLE: [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: June 3, 2003.

DEADLINE FOR INTERGOVERNMENTAL REVIEW: August 2, 2003.

ESTIMATED AVAILABLE FUNDS: \$25,000,000.

ESTIMATED RANGE OF AWARDS: \$2.5 million - \$10 million.

ESTIMATED AVERAGE SIZE OF AWARDS: \$8.3 million.

ESTIMATED NUMBER OF AWARDS: 3-5.

The Secretary will make, if possible, at least one award in each of the three categories of eligible applicants.

Note: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: From the start date indicated on the grant award document until the Federal funds and earnings on those funds have been expended for the grant purposes or until financing facilitated by the grant has been retired, whichever is later.

PAGE LIMIT: We have found that reviewers are able to conduct the highest-quality review when applications are concise and easy to read. Applicants are encouraged to limit their applications to no more than 50 double-spaced pages (not including the required forms and tables), to use a 12-point or larger-size font with one-inch margins at the top, bottom, and both sides, and to number pages consecutively. Furthermore, applicants are strongly encouraged to include a table of contents that specifies where each required part of the application is located.

APPLICABLE REGULATIONS: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

SUPPLEMENTAL INFORMATION:

Application Content

Each Credit Enhancement for Charter School Facilities Program application must include the following specific program elements:

1. A statement identifying the activities proposed to be undertaken with grant funds (the "grant project") and the timeline for the activities, including how the applicant will determine which charter schools will receive assistance, how much and what types of assistance these schools will receive, the type of schools to be served, and what procedures the applicant will use for documenting grant project procedures and results.

2. A description of the involvement of charter schools in the application's development and design of the proposed grant project.

3. A description of the applicant's expertise in capital markets financing and its organizational capacity to implement the proposed grant project successfully.
(Consortium applicants must list information for each of the participating organizations.)

4. A description of how the proposed grant project will leverage the maximum amount of private-sector and other non-Federal capital relative to the amount of Credit Enhancement for Charter School Facilities Program funding used, the definition of "leverage" the applicant has used in developing that description, the type of assistance to be provided, how the assistance would sufficiently reduce the costs that charter schools face so that it would enable them to obtain or improve school facilities that they would not be able to obtain or improve absent the assistance, and how the proposed activities will otherwise enhance credit available to charter schools.

5. In the case of an application submitted by a State governmental entity, a description of current and planned State funding policy and other forms of financial assistance that will help charter schools meet their facility needs.

USE OF FUNDS

Grant recipients, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, must deposit the grant funds received under this program (other than funds used for administrative costs) in a reserve account established and maintained by the grantee for this purpose. Amounts deposited in such account shall

be used by the grantee for one or more of the following purposes in order to assist charter schools in accessing private-sector and other non-Federal capital:

(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein.

(2) Guaranteeing and insuring leases of personal and real property.

(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (such as the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

Funds received under this program and deposited in the reserve account must be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities. Investments must be designed to preserve principal.

Any earnings on funds, including fees, received under this program must be deposited in the reserve account and be used in accordance with the requirements of this program.

An eligible entity receiving a grant under this program must use the funds deposited in the reserve account to assist multiple charter schools in accessing capital to accomplish one or both of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

Grantees must ensure that all costs incurred using funds from the reserve account are reasonable. The burden of proof is upon the grantee, as a fiduciary under its agreements with the Secretary, to establish that costs are reasonable. Each grantee must also clearly indicate with respect to each financial obligation it enters into pursuant to this grant program that the full faith and

credit of the United States is not pledged to the payment of funds under such obligation.

Grantee Performance Agreements and Reporting Requirements

Applicants that are selected to receive an award must enter into a written Performance Agreement with the Department prior to drawing down funds, unless the grantee receives written permission from the Department in the interim to draw down a specific limited amount of funds. A key element of the Performance Agreement is the performance goals for the grant. These performance goals will include the program's two performance indicators: (1) the amount of funding grantees leverage for charter schools to acquire, construct, and renovate school facilities and (2) the number of charter schools served. In developing performance goals, Department staff and each applicant will rely on the applicant's annual projections submitted under the Business/Organizational Capacity section of the application and the objectives established in the approved application. The Performance Agreement will also describe the ways in which the Department and the grantee will work together to accomplish the purposes of the program.

The Secretary, in accordance with chapter 37 of title 31, United States Code, will collect all of the funds in the reserve account established with grant funds (including

any earnings on those funds) if the Secretary determines that the grantee has permanently ceased to use all or a portion of the funds in such account to accomplish the purposes described in the authorizing statute and the Performance Agreement or, if not earlier than two years after the date on which the entity first received these funds, the entity has failed to make substantial progress in undertaking the grant project.

During each fiscal year that the grantee's obligation to the Federal Government remains in effect, grantees will submit reports (as detailed below) to the Department. The grantee's commitment continues for the duration of the project period.

Applicants selected for funding will be required to submit the following reports to the Department:

1. An annual report that includes--
 - a. A copy of the most recent financial statements and any accompanying opinion on such statements prepared by the independent public accountant reviewing the financial records of the grantee;
 - b. A copy of any report made on an audit of the financial records of the grantee conducted during the reporting period;

c. An evaluation by the grantee of the effectiveness of its use of the Federal funds in leveraging private-sector and other non-Federal funds;

d. A description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the grantee during the reporting period;

e. A narrative description of the grantee's activities in support of the objectives of the program and its performance goals, including a listing and description of the charter schools served during the reporting period; and

f. Such other information as the Secretary may require.

2. Semiannual reports that include internal financial statements and other information as the Secretary may require in the Performance Agreement.

Grantees must also cooperate and assist the Department with any periodic financial and compliance audits of the grantee, as determined necessary by the Department. The specific Performance Agreement between the grantee and the Department may contain additional reporting requirements.

Grantees must maintain and enforce standards of conduct governing the performance of their employees,

officers, directors, trustees, and agents engaged in the selection, award, and administration of contracts or agreements related to this grant. The standards of conduct must, at a minimum, require disclosure of direct and indirect financial or other interests, mandate disinterested decision-making, and indicate corrective actions to be taken in the event of violation.

Limitation on Administrative Costs

A grantee may use not more than 0.25 percent (one quarter of one percent) of the grant funds for the administrative costs of the grant.

Charter Schools Eligible to Benefit from this Program

The charter schools that a grantee selects to benefit from this program must meet the definition of a charter school, as defined in the Public Charter Schools Program authorizing statute in section 5210(1) of the Elementary and Secondary Education Act of 1965 (ESEA). This definition is repeated as follows in this application notice for the convenience of the applicant.

(1) A charter school is a public school that—

(A) In accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools,

but not from any rules relating to the other requirements of this paragraph [paragraph (1) of ESEA section 5210];

(B) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) Provides a program of elementary or secondary education, or both;

(E) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) Does not charge tuition;

(G) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

(H) Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(I) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program [the Public Charter Schools Program];

(J) Meets all applicable Federal, State, and local health and safety requirements;

(K) Operates in accordance with State law; and

(L) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

Competitive Preference Priority

Under 34 CFR 75.105(c)(2)(i) the Secretary awards additional points to an application that proposes to increase the capacity of charter schools to offer public school choice in those communities with the greatest need for this choice. The Secretary awards up to an additional 15 points to an application, depending on how well the application addresses the following factors:

- The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act as amended by the No Child Left Behind Act;

- The extent to which the applicant would target services to geographic areas in which a large proportion of students perform poorly on State academic assessments; and

- The extent to which the applicant would target services to communities with large proportions of low-income students.

SELECTION CRITERIA: In evaluating applications for grants under this competition, the Secretary will use the following project selection criteria. The Secretary gives distinct weight to the listed criteria. Within each criterion, the Secretary evaluates each factor equally.

The maximum score for all of the selection criteria is 100 points. The maximum score for each criterion is indicated in parenthesis.

The selection criteria address two important questions:

A. Does the applicant have the ability to carry out the proposed grant project?

B. Has the applicant proposed a grant project that will make a significant contribution toward meeting the purpose of the Credit Enhancement for Charter School Facilities Program and thereby increase charter schools' access to facilities financing?

A. The selection criteria related to the applicant's capacity to carry out the proposed grant project include:

1. The business and organizational capacity of the applicant to carry out the grant project (35 points).

- The amount and quality of experience the applicant has in carrying out the activities it proposes to undertake in its application, such as enhancing the credit on debt issuances, guaranteeing leases, and facilitating financing;

- The applicant's financial stability;

- The adequacy of the applicant's policies and procedures regarding loan underwriting, portfolio monitoring, and financial management to protect against unwarranted risk;

- The adequacy of the applicant's standards of conduct and organizational structure to prevent conflicts of interest; and

- The resources to be contributed by each co-applicant (consortium member), partner, or other grant project

participant to the implementation and success of the grant project.

- For State governmental entities, the extent to which steps have or will be taken to help charter schools within the State obtain adequate facilities.

2. The grant project team (15 points).

- The qualifications, including relevant training and experience, of the project manager and other members of the grant project team, including consultants or subcontractors; and

- The adequacy and appropriateness of the applicant's staffing plan for the grant project.

- For non-profits only, an IRS Form 990 and the qualifications, including relevant training and experience, and independence of members of the board of directors.

B. The selection criteria related to the potential contribution of the proposed grant project to achieving the purpose of the Credit Enhancement for Charter School Facilities Program include:

1. The quality of the design and potential significance of the proposed grant project (35 points).

- The extent to which the grant project goals, objectives, and timeline are clearly specified, measurable,

and appropriate for the purpose of the Credit Enhancement for Charter School Facilities Program;

- The extent to which the grant project implementation plan and activities, including the partnerships established, are likely to achieve the objectives sought by the project;

- The extent to which the proposed grant project is likely to produce results that will be documented and helpful to others nationally in providing facilities financing assistance to charter schools;

- The extent to which the grant project will use appropriate criteria for selecting charter schools for assistance and for determining the type and amount of assistance to be given;

- The importance or magnitude of the results or outcomes likely to be attained by the proposed grant project (e.g., the number and variety of charter schools assisted that would not have been able to meet their school facility needs absent the assistance and the amount of capital leveraged); and

- The extent to which the requested grant amount and the project costs are reasonable in relation to the objectives, design, and potential significance of the proposed grant project.

2. The quality of the services (15 points).

- The extent to which the services to be provided by the proposed grant project reflect the needs of the charter schools to be served;

- The extent to which charter schools and chartering agencies were involved in the design of, and demonstrate support for, the grant project;

- The extent to which the technical assistance and other services to be provided by the proposed grant project involve the use of cost-effective strategies for increasing charter schools' access to facilities financing; and

- The extent to which the services to be provided by the proposed grant project are focused on assisting quality charter schools that have the greatest needs for assistance under the program.

WAIVER OF PROPOSED RULEMAKING: It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed rules. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, allows the Secretary to exempt from rulemaking requirements rules governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). This program authority was

substantially revised under the No Child Left Behind Act of 2001 and this would be the first grant competition under that revised authority. The Secretary, in accordance with section 437(d)(1) of GEPA, has decided to forego public comment in order to ensure timely grant awards. These rules would apply to the FY 2003 grant competition only.

FOR APPLICATIONS CONTACT: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794-1398. Telephone (toll free): 1-877-433-7827. FAX: (301) 470-1244. If you use a telecommunications device for the deaf (TDD) you may call (toll free): 1-877-576-7734.

You may also contact ED Pubs at its Web site:

<http://www.ed.gov/pubs/edpubs.html>

Or you may contact ED Pubs at its e-mail address:

edpubs@inet.ed.gov

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.354A.

FOR FURTHER INFORMATION CONTACT: Jim Houser, U.S.

Department of Education, 400 Maryland Avenue, SW., room 3C140, Washington, DC 20202-6140. Telephone: (202) 401-0307 or via Internet:

Jim.Houser@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under FOR FURTHER INFORMATION CONTACT.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document: You may view this document, as well as all other Department of Education documents published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

www.ed.gov/legislation/FedRegister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

The Department intends to offer further information about the program at the following Internet site:

<http://www.ed.gov/offices/OII/portfolio/facilities.html>

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO access at:

<http://www.access.gpo.gov/nara/index.html>

PROGRAM AUTHORITY: Elementary and Secondary Education Act of 1965, title V, part B, subpart 2, as amended by the No Child Left Behind Act, 2001 (20 U.S.C. 7223-7223j).

Dated:

Nina S. Rees,
Deputy Under Secretary for
Innovation and Improvement.

**SECTION
B
PROGRAM
STATUTE**

PROGRAM STATUTE

Subpart 2 — Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation

SEC. 5221. PURPOSE.

The purpose of this subpart is to provide grants to eligible entities to permit the eligible entities to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

SEC. 5222. GRANTS TO ELIGIBLE ENTITIES.

(a) GRANTS- The Secretary shall use 100 percent of the amount available to carry out this subpart to award not less than three grants to eligible entities that have applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

(b) GRANTEE SELECTION-

(1) EVALUATION OF APPLICATION- The Secretary shall evaluate each application submitted under section 5223, and shall determine whether the application is sufficient to merit approval.

(2) DISTRIBUTION OF GRANTS- The Secretary shall award at least one grant to an eligible entity described in section 5230(2)(A), at least one grant to an eligible entity described in section 5230(2)(B), and at least one grant to an eligible entity described in section 5230(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

(c) GRANT CHARACTERISTICS- Grants under this subpart shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

(d) SPECIAL RULE- In the event the Secretary determines that the funds made available under this subpart are insufficient to permit the Secretary to award not less than three grants in accordance with subsections (a) through (c), such three-grant minimum and subsection (b)(2) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

SEC. 5223. APPLICATIONS.

(a) IN GENERAL- To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

(b) CONTENTS- An application submitted under subsection (a) shall contain —

(1) a statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

(3) a description of the eligible entity's expertise in capital market financing;

(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

(5) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

- (6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities; and
- (7) such other information as the Secretary may reasonably require.

SEC. 5224. CHARTER SCHOOL OBJECTIVES.

An eligible entity receiving a grant under this subpart shall use the funds deposited in the reserve account established under section 5225(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

- (1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.
- (2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

SEC. 5225. RESERVE ACCOUNT.

(a) **USE OF FUNDS-** To assist charter schools to accomplish the objectives described in section 5224, an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 5226) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

- (1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5224.
- (2) Guaranteeing and insuring leases of personal and real property for an objective described in section 5224.
- (3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.
- (4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

(b) **INVESTMENT-** Funds received under this subpart and deposited in the reserve account established under subsection (a) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

(c) **REINVESTMENT OF EARNINGS-** Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

SEC. 5226. LIMITATION ON ADMINISTRATIVE COSTS.

An eligible entity may use not more than 0.25 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

SEC. 5227. AUDITS AND REPORTS.

(a) **FINANCIAL RECORD MAINTENANCE AND AUDIT-** The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit

by an independent public accountant.

(b) REPORTS-

(1) GRANTEE ANNUAL REPORTS- Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

(2) CONTENTS- Each annual report submitted under paragraph (1) shall include —

(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

(C) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

(D) a listing and description of the charter schools served during the reporting period;

(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5224; and

(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period.

(3) SECRETARIAL REPORT- The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this subpart.

SEC. 5228. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.

SEC. 5229. RECOVERY OF FUNDS.

(a) IN GENERAL- The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect —

(1) all of the funds in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5225(a); or

(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5225(a).

(b) EXERCISE OF AUTHORITY- The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in section 5225(a).

(c) PROCEDURES- The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

(d) CONSTRUCTION- This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

SEC. 5230. DEFINITIONS.

In this subpart:

(1) CHARTER SCHOOL- The term charter school' has the meaning given such term in section 5210.

(2) ELIGIBLE ENTITY- The term eligible entity' means —

(A) a public entity, such as a State or local governmental entity;

(B) a private nonprofit entity; or

(C) a consortium of entities described in subparagraphs (A) and (B).

SEC. 5231. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subpart, there are authorized to be appropriated \$150,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003.

SECTION C APPLICATION CONTENTS

APPLICATION CHECKLIST

As discussed on the following pages, a complete application must include all of the documents listed below.

- ☐ Cover page (SF 424)
 - ☐ Consortium Applicants attach a copy of consortium agreement
- ☐ Program narrative, including responses to the selection criteria
- ☐ Table 1- Non-Grant Funds Projected to be Generated
- ☐ Table 2- Applicant Activity Table for the Most Recently Completed Fiscal Year
- ☐ Table 3- Budget form and other budget information
- ☐ All other **applicable** documents
 - ☐ Standards of Conduct
 - ☐ Credit Rating Reports
 - ☐ Audited Financial Statements
 - ☐ Cash Flow Pro Forma
 - ☐ Non-profits: Articles of Incorporation and By-laws
 - ☐ Non-profits: IRS Form 990
 - ☐ Public entities: Enabling Statutes and Other Relevant Legislation
- ☐ Assurances and Certifications
 - ☐ Assurances__Non-Construction Programs
 - ☐ Certifications Regarding Lobbying; Debarment; Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements
 - ☐ Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion- Lower Tier Covered Transactions
 - ☐ Disclosure of Lobbying Activity
- ☐ Response to Section 427 of GEPA Guidance

Did You --

- ☐ Provide one (1) original plus three (3) copies of the application (for a total of **4** copies)?
- ☐ Include all required forms with original signatures and dates?
- ☐ Submit a copy of the application to the State Single Point of Contact (if applicable)?
- ☐ Include “**Attention: CFDA 84.354A**” on the cover and envelope containing your application package?

GENERAL INSTRUCTIONS

To compete for an award under this program, your completed application must include the following five parts:

Part I: Application for Federal Assistance (Standard Form 424)

This part of your application consists of the standard application face page on which you provide basic identifying information about the applicant and the application. Specific instructions for completing this form are located on the back of the form.

Additional clarifications for completing this form:

- Private, non-profit or consortium applicants should complete block “K” of question # 8 and specify which type of applicant they are.
- All applicants should answer “no” to question # 6.

Consortium agreements:

Consortium applicants must also submit consortium agreements as part of their application package. These applicants must either designate one member of the group to apply for the grant or establish a separate legal entity to apply for the grant. All members of the consortium must then enter into an agreement that details the activities that each member of the group plans to perform and that binds each member to the application statements and assurances. This consortium agreement must be submitted as part of the consortium’s application. The Department’s administrative regulations at 34 CFR sections 75.127--129 provide more details about the requirements that govern group/consortium applications.

Part II: Program Narrative Addressing the Project Selection Criteria and the Application Content Requirements

This part of your application contains information responsive to the Project Selection Criteria and the Application Content Requirements. Make sure that your narrative addresses all of the elements. *We strongly recommend that the information be organized around and appear in the same sequence as the Project Selection Criteria.*

Please also include the following applicable tables:

- Table 1- Non-Grant Funds Projected to be Generated
- Table 2- Applicant Activity Table for the Most Recently Completed Fiscal Year

Part III: Budget Form and Related Information

This part of the application contains information about the Federal funding you are requesting. You must fill in the budget form and provide explanations and comments necessary to interpret the information you provide on this form.

Part IV: Assurances and Certifications

Be certain to include all assurances and certifications, and sign each form in the appropriate place. These include:

- Assurances__Non-Construction Programs
- Certifications Regarding Lobbying; Debarment; Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements
- Certification Regarding Debarment; Suspension; Ineligibility; and Voluntary Exclusion- Lower Tier Covered Transactions
- Disclosure of Lobbying Activity

Part V: Response to Section 427 of GEPA Guidance

This part of the application includes a narrative that responds to the Section 427 of GEPA notice that is included in the application package.

Application for Federal
Education Assistance (ED 424)



U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 11/30/2004

Applicant Information

1. Name and Address

Legal Name: _____

Address: _____

City

State

County

ZIP Code + 4

2. Applicant's D-U-N-S Number | | | | | | | | | | | | | | | |

3. Applicant's T-I-N | | | | - | | | | | | | | | | | |

4. Catalog of Federal Domestic Assistance #: 84. | | | | | | | |

Title: _____

5. Project Director: _____

Address: _____

City State Zip code + 4

Tel. #: () - Fax #: () -

E-Mail Address: _____

Organizational Unit

6. Novice Applicant ___Yes ___No

7. Is the applicant delinquent on any Federal debt? ___Yes ___No
(If "Yes," attach an explanation.)

8. Type of Applicant (Enter appropriate letter in the box.) | | | |

A - State F - Independent School District
B - Local G - Public College or University
C - Special District H - Private, Non-profit College or
University
D - Indian Tribe I - Non-profit Organization
E - Individual J - Private, Profit-Making Organization

K - Other (Specify): _____

Application Information

9. Type of Submission:

-PreApplication -Application
___ Construction ___ Construction
___ Non-Construction ___ Non-Construction

10. Is application subject to review by Executive Order 12372 process?

___ Yes (Date made available to the Executive Order 12372
process for review): ___/___/___

___ No (If "No," check appropriate box below.)

___ Program is not covered by E.O. 12372.
___ Program has not been selected by State for review.

11. Proposed Project Dates: ___/___/___

Start Date:

End Date:

12. Are any research activities involving human subjects planned at
any time during the proposed project period?

___ Yes (Go to 12a.) ___ No (Go to item 13.)

12a. Are all the research activities proposed designated to be
exempt from the regulations?

___ Yes (Provide Exemption(s) #): _____

___ No (Provide Assurance #): _____

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal \$ _____ .00

b. Applicant \$ _____ .00

c. State \$ _____ .00

d. Local \$ _____ .00

e. Other \$ _____ .00

f. Program Income \$ _____ .00

g. TOTAL \$ _____ .00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true

and correct. The document has been duly authorized by the governing body of the applicant

and the applicant will comply with the attached assurances if the assistance is awarded.

a. Authorized Representative (Please type or print name clearly.)

b. Title: _____

c. Tel. #: () - Fax #: () -

d. E-Mail Address: _____

e. Signature of Authorized Representative

Date: ___/___/___

Instructions for Form ED 424

- 1. Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.
- 2. D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: <http://www.dnb.com>.
- 3. Tax Identification Number.** Enter the taxpayer's identification number as assigned by the Internal Revenue Service.
- 4. Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested. The CFDA number can be found in the federal register notice and the application package.
- 5. Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.
- 6. Novice Applicant.** Check "Yes" or "No" only if assistance is being requested under a program that gives special consideration to novice applicants. Otherwise, **leave blank.**

Check "Yes" if you meet the requirements for novice applicants specified in the regulations in 34 CFR 75.225 and included on the attached page entitled "Definitions for Form ED 424." By checking "Yes" the applicant certifies that it meets these novice applicant requirements. Check "No" if you do not meet the requirements for novice applicants.
- 7. Federal Debt Delinquency.** Check "Yes" if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check "No."
- 8. Type of Applicant.** Enter the appropriate letter in the box provided.
- 9. Type of Submission.** See "Definitions for Form ED 424" attached.
- 10. Executive Order 12372.** See "Definitions for Form ED 424" attached. Check "Yes" if the application is subject to review by E.O. 12372. Also, please enter the month, day, and four (4) digit year (e.g., 12/12/2001). Otherwise, check "No."
- 11. Proposed Project Dates.** Please enter the month, day, and four (4) digit year (e.g., 12/12/2001).
- 12. Human Subjects Research.** (See I.A. "Definitions" in attached page entitled "Definitions for Form ED 424.")

If Not Human Subjects Research. Check "No" if research activities involving human subjects are not planned at any time during the proposed project period. The remaining parts of Item 12 are then not applicable.

If Human Subjects Research. Check "Yes" if research activities involving human subjects are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution. Check "Yes" even if the research is exempt from the regulations for the protection of human subjects. (See I.B. "Exemptions" in attached page entitled "Definitions for Form ED 424.")
- 12a. If Human Subjects Research is Exempt from the Human Subjects Regulations.** Check "Yes" if all the research activities proposed are designated to be exempt from the regulations. Insert the exemption number(s) corresponding to one or more of the six exemption categories listed in I.B. "Exemptions." In addition, follow the instructions in II.A. "Exempt Research Narrative" in the attached page entitled "Definitions for Form ED 424." Insert this narrative immediately following the ED 424 face page.

12a. If Human Subjects Research is Not Exempt from Human Subjects Regulations. Check “No” if some or all of the planned research activities are covered (not exempt). In addition, follow the instructions in II.B. “Nonexempt Research Narrative” in the page entitled “Definitions for Form ED 424.” Insert this narrative immediately following the ED 424 face page.

12a. Human Subjects Assurance Number. If the applicant has an approved Federal Wide (FWA) or Multiple Project Assurance (MPA) with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. If the applicant does not have an approved assurance on file with OHRP, enter “None.” In this case, the applicant, by signature on the face page, is declaring that it will comply with 34 CFR 97 and proceed to obtain the human subjects assurance upon request by the designated ED official. If the application is recommended/selected for funding, the designated ED official will request that the applicant obtain the assurance within 30 days after the specific formal request.

Note about Institutional Review Board Approval. ED does not require certification of Institutional Review Board approval with the application. However, if an application that involves non-exempt human subjects research is recommended/selected for funding, the designated ED official will request that the applicant obtain and send the certification to ED within 30 days after the formal request.

13. Project Title. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. Estimated Funding. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. Certification. To be signed by the authorized representative of the applicant. A copy of the governing body’s authorization for you to sign this application as official representative must be on file in the applicant’s office. Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, day, and four (4) digit year (e.g., 12/12/2001) in the date signed field.

- **Paperwork Burden Statement. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1875-0106. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.** If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to: **U.S. Department of Education, Washington, D.C. 20202-4651.** If you have comments or concerns regarding the status of your individual submission of this form write directly to: **Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725**

Definitions for Form ED 424

Novice Applicant (See 34 CFR 75.225). For discretionary grant programs under which the Secretary gives special consideration to novice applications, a novice applicant means any applicant for a grant from ED that—

- Has never received a grant or subgrant under the program from which it seeks funding;
- Has never been a member of a group application, submitted in accordance with 34 CFR 75.127-75.129, that received a grant under the program from which it seeks funding; and
- Has not had an active discretionary grant from the Federal government in the five years before the deadline date for applications under the program. For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

In the case of a group application submitted in accordance with 34 CFR 75.127-75.129, a group includes only parties that meet the requirements listed above.

Type of Submission. “Construction” includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). “Construction” also includes remodeling to meet standards, remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries. For the purposes of this paragraph, the term “equipment” includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house

them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

Executive Order 12372. The purpose of Executive Order 12372 is to foster an intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The application notice, as published in the Federal Register, informs the applicant as to whether the program is subject to the requirements of E.O. 12372. In addition, the application package contains information on the State Single Point of Contact. An applicant is still eligible to apply for a grant or grants even if its respective State, Territory, Commonwealth, etc. does not have a State Single Point of Contact. For additional information on E.O. 12372 go to <http://www.cfda.gov/public/eo12372.htm>.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Research

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.” *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge it is research.* Activities which meet

this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Human Subject

The regulations define human subject as “a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information.” *(1) If an activity involves obtaining information about a living person by manipulating that person or that person’s environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the **only** involvement of human subjects will be in one or more of the following six categories of **exemptions** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects’ responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects’ financial standing, employability, or reputation. ***If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s) do not participate in the activities being observed. Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

If the applicant marked “Yes” for Item 12 on the ED 424, the applicant must provide a human subjects “exempt research” or “nonexempt research” narrative and insert it immediately following the ED 424 face page.

A. Exempt Research Narrative.

If you marked “Yes” for item 12 a. and designated exemption numbers(s), provide the “exempt research” narrative. The narrative must contain sufficient information about the involvement of human subjects in the proposed research to allow a determination by ED that the designated exemption(s) are appropriate. The narrative must be succinct.

B. Nonexempt Research Narrative.

If you marked “No” for item 12 a. you must provide the “nonexempt research” narrative. The narrative must address the following seven points. Although no specific page limitation applies to this section of the application, be succinct.

(1) **Human Subjects Involvement and Characteristics:** Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable

(2) **Sources of Materials:** Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) **Recruitment and Informed Consent:** Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) **Potential Risks:** Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) **Protection Against Risk:** Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) **Importance of the Knowledge to be Gained:** Discuss the importance of the knowledge gained or to be gained as a result of the proposed research. Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

(7) **Collaborating Site(s):** If research involving human subjects will take place at collaborating site(s) or other performance site(s), name the sites and briefly describe their involvement or role in the research.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff, Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C. 20202-4248, telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at <http://www.ed.gov/offices/OCFO/humansub.html>

COMPETITIVE PRIORITY AND PROJECT SELECTION CRITERIA

The Challenge: Helping Charter Schools and Promoting School Choice

Charter schools have difficulty obtaining adequate facilities in part because lenders, investors, and landlords tend to perceive them as a financial risk. These perceived risks sometimes mean that charter schools pay premium interest or rent or that lenders, investors, and landlords refuse to do business with them.

Charter schools are unique public schools in that they are held accountable and face the threat of being closed if they fail to perform at a level high enough to justify renewal of their charter. Charters for these schools must typically be renewed every 3-5 years, and a charter school that is not renewed would likely not be able to continue making payments on long-term debt. While the vast majority of charter schools meet their performance goals and continue to operate, performance-based accountability presents a potential threat to investors.

Unlike traditional local educational agencies (LEAs), charter school LEAs generally lack the ability to issue general obligation bonds backed by property taxes. Investors consider these bonds to have far less risk than bonds that are backed only by per-pupil revenue flows, which is the only debt some charters schools can issue.

Many factors affect the extent to which charter schools have equitable access to private-sector and other capital for financing. The length of time the school has been in operation, its size, and the populations being served all play into the school's ability to obtain financing and a reasonable rate. For example, lenders may feel more comfortable working with well-established schools with proven track records than with start-ups, and they may find schools working with high-achieving populations a safer risk than those serving low-performing students.

Charter schools serve as a key to providing meaningful public school choice. In addition, the number of charter schools that grantees will be able to serve with these funds is limited. Consequently, proposals that focus funds on areas that need school choice the most will score higher than other proposals.

The Secretary will select for funding under the Credit Enhancement for Charter School Facilities Program those applications that are deemed of highest overall quality. Experts in finance, including school facilities finance and credit enhancement, will review the applications and assign to each application up to 115 points using the Project Selection Criteria and corresponding weights described in this section and the Competitive Priority. Each criterion includes factors the reviewers will consider in determining how well an application meets the criterion.

Reviewers will use their own professional judgment to assess the quality of each application against these criteria. To be competitive, applicants must address each of the selection criteria fully and clearly. The kind of information needed to accomplish this for each criterion is discussed below. Since much of the information needed to address fully each criterion is also information that is required for other purposes (see the Application Content Requirements section of this package), we recommend that applicants organize their application narrative around the Competitive Priority and the Project Selection Criteria.

The Competitive Priority is for applicants that propose a grant project that increases the capacity of charter schools to offer school choice in those communities with the greatest need for public school choice.

Project Selection Criteria that will be used by the application reviewers address two important questions:

- A. Does the applicant have the ability to carry out the proposed grant project?
- B. Has the applicant proposed a grant project that will make a significant contribution toward meeting the purpose of the Credit Enhancement for Charter School Facilities Program and thereby increase charter schools' access to facilities financing?

The Competitive Priority related to the applicant increasing the capacity of charter schools to offer school choice in those communities with the greatest need for public school choice (15 points):

This criterion focuses on the likelihood that the proposed project will increase the capacity of charter schools to provide public school choice in those geographic areas where school choice is needed most. Part of this need to provide public school choice is related to Title I of the Elementary and Secondary Act as amended by the No Child Left Behind (NCLB) Act. Under NCLB, school districts are required to provide public school choice to students in schools that have either (1) failed to make adequate yearly progress for two years, or (2) are considered to be persistently dangerous. Although NCLB became law in January 8, 2002, school districts are already indicating that they are having difficulty finding sufficient space in schools so that students can transfer to quality schools that provide a safe learning environment.

Factors that will be considered in assessing the applicant's proposal to address school facility capacity issues related to increasing the capacity of charter schools to provide public school choice in those communities with the greatest need for such choice, including:

- The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act as amended by the No Child Left Behind Act;
- The extent to which the applicant would target services to geographic areas in which a large proportion of students perform poorly on State academic assessments; and
- The extent to which the applicant would target services to communities with large proportions of low-income students.

A. The selection criteria related to the applicant's capacity to carry out the proposed grant project include:

- 1) The business and organizational capacity of the applicant to carry out the grant project (35 points).

This criterion focuses on the applicant's expertise in capital market financing and its organizational capacity to implement the proposed project. The applicant will need to document its financial track record and strength; its ability to protect against unwarranted financial risk; its expertise in credit assessment, including credit assessment related to school facilities financing; its experiences in facilitating financing, including both debt issuance and credit enhancement; and its knowledge of the charter school market. The Application Content Requirements section of this package (pages C-19 to C-28) describes some of the specific data and documents to be provided regarding business and organizational capacity. The materials that reviewers will take into account when rating against this selection criterion include:

- Table 1 – Non-Grant Funds Projected to be Generated
- Table 2 – Applicant Activity Table for the Most Recently Completed Fiscal Year
- Audited Financial Statements
- Credit Rating Reports
- Standards of Conduct
- Non-profits: Articles of Incorporation and By-Laws
- Non-profits: IRS Form 990
- Public entities: Enabling Statutes and Other Relevant Legislation
- Letters of commitment from financial partners
- A description of how the applicant intends to meet any administrative costs in excess of one-quarter of one percent

Factors that will be considered in assessing the applicant's business and organizational capacity include:

- The amount and quality of experience the applicant has in carrying out the activities it proposes to undertake in its application, such as enhancing the credit on debt issuances, guaranteeing leases, and facilitating financing;
- The applicant's financial stability;
- The adequacy of the applicant's policies and procedures regarding loan underwriting, portfolio monitoring, and financial management to protect against unwarranted risk;
- The adequacy of the applicant's standards of conduct and organizational structure to prevent conflicts of interest; and
- The resources to be contributed by each co-applicant (consortium member), partner, or other grant project participant to the implementation and success of the grant project.
- For State governmental entities, the extent to which steps have been or will be taken to help charter schools within the State obtain adequate facilities.

2) The grant project team (15 points).

This factor focuses on the relevant training and experience of key grant project personnel, consultants, subcontractors, and, for nonprofits, members of the board of directors holding key positions. Successful applicants will plan to use the services of individuals with substantial experience and expertise in facilities financing, charter schools, and other appropriate areas. They will provide the information requested in the Application Content Requirements section of this package. This information will include, among other things, a description of current job responsibilities, the educational background, and the experience and skills of each member of the grant project team as described in current resumes or detailed biographical statements. The applicant also should describe its staffing plan for the project, including a description of the assignments by activity or service.

Factors used to assess the grant project team include:

- The qualifications, including relevant training and experience, of the project manager and other members of the grant project team, including consultants or subcontractors; and

- The adequacy and appropriateness of the applicant's staffing plan for the grant project.
- For non-profits only, the qualifications, including relevant training and experience, and independence of members of the board of directors.

B. The selection criteria related to the potential contribution of the proposed grant project to achieving the purpose of the Credit Enhancement for Charter School Facilities Program include:

- 1) The quality of the design and potential significance of the proposed grant project (35 points).

This criterion addresses the goals, objectives, and activities of the grant project, how the applicant will determine the viability of an individual school as an educational enterprise and therefore as a target for investment, the number and type of charter schools that it anticipates will obtain facilities as a result of the grant project, the amount and type of assistance they will receive, and how the applicant will document grant project activities and results. Successful applicants will provide comprehensive plans with clear goals, objectives, and activities that have specific timelines and that are aligned with the four statutory purposes for which reserve account funds may be used. They will describe the partnerships they plan to develop to help further the purposes of the program and how they will leverage private-sector and other non-Federal capital for financing charter school facilities. They will give their projections for the amounts to be leveraged relative to the amount of government funding used. They also will discuss how they will invest funds from the reserve account, and provide an estimate of the earnings they expect from these investments, and from fees, interest, or other sources.

This criterion also addresses the grant project's potential impact on the national need for charter school facilities and, in that regard, its potential as a model for others. The most successful applicants are likely to provide services to a number of charter schools, including start-ups. They will accomplish this, in part, by leveraging a significant amount of capital for investment in charter school facilities. They will clearly document their activities and the resulting outcomes for the different types of schools served, and will demonstrate that their grant projects are likely to help many other charter schools acquire appropriate facilities in the future.

The materials reviewers will take into account when rating against this selection criterion include:

- The budget form and other budget information (including the consistency of numbers, the accuracy of any mathematical functions, and the clarity of any explanations) and
- The cash flow pro forma.

Factors used to assess the project's quality of design and significance include:

- The extent to which the grant project goals, objectives, and timeline are clearly specified, measurable, and appropriate for the purpose of the Credit Enhancement for Charter School Facilities Program;
- The extent to which the grant project implementation plan and activities, including the partnerships established, are likely to achieve the objectives sought by the project;
- The extent to which the proposed grant project is likely to produce results that will be documented and be helpful to others nationally in providing facilities financing assistance to charter schools;
- The extent to which the grant project will use appropriate criteria for selecting charter schools for assistance and for determining the type and amount of assistance to be given;
- The importance or magnitude of the results or outcomes likely to be attained by the proposed grant project (e.g., the number and variety of charter schools assisted that would not have been able to meet their school facility needs absent the assistance and the amount of capital leveraged.); and
- The extent to which the requested grant amount and project costs are reasonable in relation to the objectives, design, and potential significance of the proposed grant project.

2) The quality of the services (15 points).

This criterion is concerned with the immediate benefits to be provided to charter schools as a result of the grant project. In this regard it addresses questions about the fit between the assistance to be provided and the needs of the recipients of the services. It also considers the cost-effectiveness of the services to be provided. Successful applicants will demonstrate that charter schools participated in the development of the grant project and in the identification of the specific needs to be addressed by the grant project. These applicants may have letters of endorsement from charter schools or otherwise document charter school support. In addition, these applicants will focus on quality charter schools with the

greatest need for facilities and an inability to access private-sector capital. They are likely to succeed in meeting the needs of charter schools that are just starting up as well as more established charter schools. Applicants also should describe how their services would affect the charter schools in terms of burdens (such as fees and paperwork) and benefits -- financial and otherwise.

Factors used to assess the quality of the services include:

- The extent to which the services to be provided by the proposed grant project reflect the needs of the charter schools to be served;
- The extent to which charter schools and chartering agencies were involved in the design of, and demonstrate support for, the grant project;
- The extent to which the technical assistance and other services to be provided by the proposed grant project involve the use of cost-effective strategies for increasing charter schools' access to facilities financing; and
- The extent to which the services to be provided by the proposed grant project are focused on assisting quality charter schools that have the greatest needs for assistance under the program.

APPLICATION CONTENT REQUIREMENTS

Each Credit Enhancement for Charter School Facilities Program application must include the following information.

- (1) A statement identifying the activities proposed to be undertaken with grant funds (the “grant project”) and the timeline for the activities, including how the applicant will determine which charter schools will receive assistance, how much and what types of assistance these schools will receive, and what procedures the applicant will use for documenting grant project procedures and results.**
- (2) A description of the involvement of charter schools in the application's development and the design of the grant project.**
- (3) A description of the applicant’s expertise in capital markets financing and organizational capacity to implement the proposed grant project successfully. (Consortium applicants must list information for each of the participating organizations.)**

This description must include the applicant's:

- A. Operational Capacity and Risk Mitigation Strategies as evidenced by:

1. Age of Organization

Identify how long the organization has been in existence. (Consortiums should identify the ages of each of the participating organizations.)

2. Policies and Procedures

Provide a brief summary of the following applicant policies and procedures, indicating whether they are approved by the applicant’s governing board and when they were implemented. If they are not currently in place, describe what steps the organization will take to develop and implement such policies and procedures. If the practices differ from the policies and procedures, explain.

- a. Underwriting Standards for Participants:
Process for evaluating creditworthiness of charter school participants, including criteria for

providing guarantees or other credit enhancement.

- b. Portfolio Monitoring: Monitoring process, risk rating methodologies, and debt restructuring, collections, and write-off policies.
- c. Financial Management/Risk Mitigation: Internal controls and operating policies for safeguarding assets, including cash management; maintaining liquidity and operating reserves; investment of idle cash; and risk mitigation strategies (e.g. portfolio diversification, adopting internal lending limits, establishing and adjusting debt loss reserves, and seeking third-party insurance against default by the applicant).

3. Standards of Conduct

Provide a copy of the **standards of conduct** for your organization, if they exist. The standards of conduct must, at a minimum, require disclosure of direct and indirect financial or other interests, mandate disinterested decision-making, and indicate corrective actions to be taken in the event of violation.

B. Financial Track Record and Strength as evidenced by:

1. Credit Rating

Submit the most recent **credit rating and report** prepared for the organization by a major bond rating agency, such as Standard and Poor's, Moody's Investors Service, or Fitch IBCA. If the organization does not have a credit rating, please indicate.

2. Financial Statements

Submit **audited financial statements** for the applicant's three most recently completed fiscal years. If audited statements are not available, please provide **financial statements** for the applicant's three most recently completed fiscal years that have been reviewed by an independent Certified Public Accountant (C.P.A.).

Such documents must include:

- a. Balance sheets or statements of financial position;
- b. Income statements or statements of activities;
- c. Statements of cash flows; and
- d. Notes to the financial statements and, if applicable, the auditor's opinion letter and any reports of findings.

If neither audited nor C.P.A.-reviewed financial statements are available, submit internal financial statements and explain why audited or C.P.A.-reviewed financial statements are not available. If the audited financial statements of the applicant are consolidated with those of its affiliates and do not include separate schedules on the applicant's financial position and separate income statements for the applicant, also submit a separate set of internal financial statements that clearly distinguish the applicant's financial information from that of the affiliates.

3. Non-profits: IRS Form 990

Provide a copy of the most recently filed IRS Form 990.

4. Portfolio Quality

Provide a narrative explanation of portfolio performance, particularly explaining the circumstances of any unusually high levels of delinquencies and losses, or loss reserves that appear inconsistent with actual losses. Such explanations should include any steps the organization is taking to remedy identified problems.

Also include an explanation of any debt-loss experience with high-risk borrowers.

5. Financial Track Record

Complete the ***Applicant Activity Table for the Most Recently Completed Fiscal Year.***

6. Financial Projections

Applicants must submit a ***cash flow pro forma*** for the grant project. The pro forma should include both a statement of sources and uses of funds and a projection of annual cash flows during the Project Period. All amounts should be expressed on a cash (year-of-expenditure) basis and should include a narrative describing key assumptions in the business model used to arrive at such estimates. The pro forma should include:

- Projected cash flows (receipts and disbursements) through the Project Period, including separate line items for each category of allowable uses of reserve account funds (such as facilitating financing or guaranteeing leases). The cash flow must indicate the projected reserve account balance at the end of each year;
- Administrative cost charges covered by the Federal funds (a maximum of 0.25%) and non-grant sources such as donations;
- An explanation of the amount and nature of all fees and expenses (including interest on loans) payable by the charter school participants associated with the grant project; and
- Anticipated interest and other earnings expected to be gained on grant funds.

If applicable, the applicant also should calculate the estimated effective financing rate (true interest cost) for charter schools participating in the grant project, and compare such percentage rate to other available financing sources.

In the event that the applicant proposes to charge fees (including interest on loans) to charter schools, the applicant must:

- Indicate whether the fees and interest are in excess of the direct cost to the applicant,
- Identify the size of this excess amount, and
- Describe how this excess amount will be used.

Furthermore, the applicant must explain how these fees and interest rates are reasonable.

7. Financial Stability

Discuss the applicant's strategy for sustaining its projected operations through earned income, grants, contributions, or other resources. Discuss the applicant's strategy for capitalizing its loan, guarantee, or investment fund through debt, equity, secondary markets, or other resources. Discuss the extent to which funding sources are diversified and any plans to maintain or increase the diversification of funding sources.

Complete the ***Non-Grant Funds Projected to be Generated Table***.

8. Legal Background

Non-profit entities: Submit a copy of ***articles of incorporation and by-laws***.

Public entities: Submit a copy of ***enabling statute and other relevant legislation***.

C. Skills and Experience of the Grant Project Management Team as evidenced by:

1. Management and Staff Experience

For each member of the management team and other key staff, submit:

- a. a description of current and past job responsibilities, and education, experience, and skills, with particular attention to experiences in the fields of finance and

education. The description of the individuals' experience in education must include a discussion of their expertise in assessing the programs of charter schools. This information may be provided in the form of current resumes or detailed biographical statements. Position qualification statements should be included for staff the applicant plans to hire for the project.

- b. A description of the duties of the management team and key staff working on the project. Include any staff the applicant anticipates hiring, including through contracts, to work on the project.

2. Board of Directors:

Non-profit applicants only: Submit a current list of the governing board members that indicates their tenure and organizational affiliations. Discuss the role(s) of the board of directors with respect to the grant project and their qualifications in that regard. Disclose any business and personal relationships between board members and personnel working for the applicant's organization.

(4) A description of how the grant project will leverage the maximum amount of private-sector and other non-Federal capital relative to the amount of Credit Enhancement for Charter School Facilities Program Grant funding used, the type of schools to be served, and the type of assistance to be provided, and how the proposed activities will otherwise enhance credit available to charter schools. Also:

Provide a ratio of Federal funds to the anticipated amount of capital leveraged. For instance, if the size of the reserve account is \$1 million and \$5 million in bonds would be guaranteed using funds in the reserve account, the ratio is 5:1. Describe how the leveraging ratio is calculated and how the assistance provided to charters schools will be sufficient to assist them in meeting their school facility needs that could not have been met absent this assistance.

Provide an explanation of the number and characteristics of charter schools to be served by the Project (e.g. size, demographics, and age of school -- start-up or experienced, etc.) Include an explanation of the types of services they will receive.

(5) In the case of an application submitted by a State governmental entity, a description of current and planned State funding policy and other forms of financial assistance that will help charter schools meet their facility needs.

Table 1 – Non-Grant Funds Projected to be Generated

| Source | Project year 1 | Project year 2 | Project year 3 | Project year 4 | Project year 5 | Remaining years | Total |
|--|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|----------------------------|--------------|
| 1. Donations | | | | | | | |
| 2. Fees not associated with grant | | | | | | | |
| 3. Interest not associated with grant | | | | | | | |
| 4. Borrowed funds (including lines of credit to be used) | | | | | | | |
| 5. Appropriated funds | | | | | | | |
| 6. Other | | | | | | | |
| Total | | | | | | | |

The purpose of this table is to determine amount and expected source of revenues for the applicant.

Table 2 – Applicant Activity Table for the Most Recently Completed Fiscal Year

| Outstanding credit-enhanced debt | Total activity |
|---|-----------------------|
| Number of debt issues with credit enhancement | |
| Dollar amount of debt issues with credit enhancement | \$ |
| Outstanding leases guaranteed | |
| Number of leases guaranteed or insured | |
| Dollar amount of leases guaranteed or insured | \$ |
| Other means of facilitating financing (including both lending and the issuance of bonds) for the most recently completed fiscal year | |
| Number of clients assisted by facilitating financing ¹ | |
| Amount of funds spent on facilitating financing (including both lending and the issuance of bonds) | \$ |

Please provide a narrative associated with this table that briefly describes the types of assistance provided and the types of clients served, paying particular attention to any clients related to education, including charter schools. Each member of a consortium should complete this table separately.

¹ Includes activities in Section 5225(a)(3) and (4).

Table 3 -Budget Form: Grant Funds Expenditures

| Budget categories | Project year 1 | Project year 2 | Project year 3 | Project year 4 | Project year 5 | Remaining years | Total |
|---|----------------|----------------|----------------|----------------|----------------|-----------------|-------|
| A. Administrative funds (0.25%) | | | | | | | |
| A.1. Indirect costs | | | | | | | |
| A.2. Administrative costs other than indirect costs | | | | | | | |
| A. Total administrative costs | | | | | | | |
| B. Reserve account earnings | | | | | | | |
| C. Reserve account (99.75%) | | | | | | | |
| C.1. Grant funds spent on guaranteeing and insuring debt and leases ¹ | | | | | | | |
| C.1.a. Personnel and fringe benefits | | | | | | | |
| C.1.b. Payments to third parties to guarantee or insure debt | | | | | | | |
| C.1.c. Other payments associated with guaranteeing and insuring debt and leases | | | | | | | |
| C.1. Total Guaranteeing and insuring debt and leases payments | | | | | | | |
| C.2. Grant funds spent on <u>facilitating</u> financing (including facilitating lending and the issuance of bonds) ² | | | | | | | |
| C.2.a. Personnel and fringe benefits | | | | | | | |
| C.2.b. Contractual | | | | | | | |
| C.2.c. Other payments associated with facilitating financing | | | | | | | |
| C.2. Total grant funds spent on <u>facilitating</u> financing (including facilitating lending and the issuance of bonds) | | | | | | | |
| C.3. Total reserve account costs (lines C.1. and C.2.) | | | | | | | |

The purpose of this table is to determine the amount of Federal grant funds that the applicant intends to spend on activities to cover costs associated with the Credit Enhancement for Charter School Facilities Grant. The table should include funds from the reserve account only in the year they are spent. The table should not include funds that remain in the reserve account and are used to directly guarantee or insure debt or leases.

¹ Includes activities in Section 5225(a)(1) and (2).

² Includes activities in Section 5225(a)(3) and (4).

Instructions for Table 3 -- Budget Form: Grant Funds Expenditures

A. Administrative funds:

A.1. Indirect costs: Many organizations have indirect cost rates established with the U.S. Department of Education which allow those organizations to spend a portion of their grant funds on a share of the total organization costs such as rent and utilities. For this grant you may choose to claim indirect costs, but the total amount may not exceed the _ of 1% allowed by statute. Also, if you choose to claim indirect costs, the sum of your indirect costs and your other administrative costs (line A.2.) combined may not exceed the allowable _ of 1%.

A.2. Administrative costs other than indirect costs: Administrative costs include such items as preparing reports. Administrative cost funds are capped by the program's authorizing statute at _ of 1% (0.25%) of the award amount. Administrative costs may be spread out over the project period, but the total amount may not exceed _ of 1% in total. Also, if you choose to claim indirect costs, the sum of your indirect costs and your other administrative costs (line A.2.) combined may not exceed the allowable _ of 1%.

A. Total administrative costs: The total for this line should include the sum of lines A, A.1. and A.2. This line cannot exceed _ of 1% of the requested amount for the entire project period.

B. Reserve account earnings: Earnings include the total interest earned per year on reserve account funds as well as all fees charged in association with the project, because fees must also be added to the reserve account and used for the four allowable purposes of the grant.

C. Reserve account expenditures

C.1. Grant funds spent on guaranteeing and insuring debt and leases

C.1.a. Personnel and fringe benefits: All costs associated with paying personnel who will receive reserve account funds for their direct involvement with guaranteeing and insuring debt and leases. (We expect that this will not be a significant portion of the total request.)

C.1.b. Payments to third parties to guarantee or insure debt: All payments made with reserve account funds to third parties such as fees for guaranteeing or insuring debt.

C.1.c. Other payments associated with guaranteeing and insuring debt and leases: Any other costs paid for with reserve account funds that are not covered in C.1. a-b that can be directly attributed to guaranteeing and insuring debt and leases.

C.1. Total Guaranteeing and insuring debt and leases payments: The sum of lines C.1.a., C.1.b., and C.1.c.

C.2. Grant funds spent on facilitating financing (including facilitating lending and the issuance of bonds)

C.2.a. Personnel and fringe benefits: All costs associated with paying personnel who will receive reserve account funds for their direct involvement with facilitating financing. (We expect that this will not be a significant portion of the total request.)

C.2.b. Contractual: All costs associated with paying contractors that will receive reserve account funds for their work facilitating financing.

C.2.c. Other payments associated with facilitating financing: Any other costs paid for with reserve account funds that are not covered in lines C.2. a-b that can be directly attributed to facilitating financing.

C.2. Total grant funds spent on facilitating financing (including facilitating lending and the issuance of bonds): The sum of lines C.2.a., C.2.b., and C.2.c.

C.3. Total reserve account costs (lines C.1. and C.2.): The sum of lines C.1. and C.2. The amount in the total column for this row cannot exceed the sum of the request on Form ED 424 (the Application for Federal Education Assistance) plus reserve account earnings, and would likely be less.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

~~PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.~~
SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. "4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. "1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. '794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. " 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) " 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. " 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. ' 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. "1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. "276a to 276a-7), the Copeland Act (40 U.S.C. '276c and 18 U.S.C. "874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. " 327-333), regarding labor standards for Federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. "1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. "7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. "1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. '470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. "469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. "2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. "4801 et seq.) which prohibits the use of lead- based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, AAudits of States, Local Governments, and Non-Profit Organizations.@
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| | | |
|---|-------|----------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE | |
| APPLICANT ORGANIZATION | | DATE SUBMITTED |

Standard Form 424B (Rev. 7-97) Back

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

| | |
|---|---------------------------------------|
| NAME OF APPLICANT | PR/AWARD NUMBER AND / OR PROJECT NAME |
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| SIGNATURE | DATE |

ED 80-0013

12/98

**Certification Regarding Debarment, Suspension, Ineligibility and
Voluntary Exclusion -- Lower Tier Covered Transactions**

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled ACertification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

| | |
|---|-------------------------------------|
| NAME OF APPLICANT | PR/AWARD NUMBER AND/OR PROJECT NAME |
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| SIGNATURE | DATE |

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

| | | |
|---|--|--|
| 1. Type of Federal Action: a. contract _____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance | 2. Status of Federal Action: a. bid/offer/application _____ b. initial award c. post-award | 3. Report Type: a. initial filing _____ b. material change For material change only: Year _____ quarter _____ Date of last report _____ |
| 4. Name and Address of Reporting Entity: _____ Prime _____ Subawardee Tier _____, if Known: Congressional District, if known: | 5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: | |
| 6. Federal Department/Agency: | 7. Federal Program Name/Description: CFDA Number, if applicable: _____ | |
| 8. Federal Action Number, if known: | 9. Award Amount, if known: _____ : \$ | |
| 10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i> | b. Individuals Performing Services <i>(including address if different from No. 10a) (last name, first name, MI):</i> | |
| 11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. | Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____ | |
| Federal Use Only | Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97) | |

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an

officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 2050

GUIDANCE ON SECTION 427 OF THE GENERAL EDUCATION PROVISION ACT

Notice To All Applicants

The purpose of this enclosure is to inform you about a provision in the Department of Education's General Education Provisions Act (GEPA) – Section 427 -- that applies to applicants for new grant awards under Department programs.

To whom does this provision apply?

Section 427 of GEPA affects applicants for new grant awards under this program. All applicants for new awards must include information in their applications to address this provision in order to receive funding under this program.

What does this provision require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in its Federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are examples of how an applicant might satisfy the requirement of this provision?

The following examples may help illustrate how an applicant may comply with Section 427.

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application

how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in Braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:
U.S. Department of Education, Washington, DC 20202-4651.

OMB Control No. 1890-0007 (Exp. 9/30/04)

**SECTION
D
ESTIMATED PUBLIC
REPORTING BURDEN**

ESTIMATED PUBLIC REPORTING BURDEN

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0644. The time required to complete this information collection is estimated to average 80 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Credit Enhancement for Charter School Facilities Program, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E303, Washington D.C. 20202.

SECTION E

OTHER IMPORTANT INFORMATION AND NOTICES

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen Federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# 84.354A, U.S. Department of Education, Room 7W100, 400 Maryland Avenue, SW., Washington, DC 20202

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in the actual application notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

STATE SINGLE POINTS OF CONTACT (SPOCs)

Executive Order 12372, "Intergovernmental Review of Federal Programs," was issued with the desire to foster the intergovernmental partnership and strengthen Federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is a copy of the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided from the official version of this document from the OMB web page at the following address: <http://www.whitehouse.gov/omb/grants/spoc.html>

This publication by the U.S. Department of Education (ED or the Department) is an unofficial version of the State Single Point of Contact (SPOC) List published by the Office of Management and Budget (OMB). The Department has made every effort to ensure the accuracy of the information contained in this unofficial version. However, the only official version of the State Single Point of Contact (SPOC) List is posted on the Grants Management section of the OMB web site listed above.

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| <p><u>ARKANSAS</u> Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Admin. 1515 W. 7th St., Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 Fax: (501) 682-5206 tlcopeland@dfa.state.ar.us</p> | <p><u>CALIFORNIA</u> Grants Coordination State Clearinghouse Office of Planning and Research P.O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 Fax: (916) 323-3018 state.clearinghouse@opr.ca.gov</p> |
| <p><u>DELAWARE</u> Sandra R. Stump Executive Department Office of the Budget 540 S. Dupont Highway, 3rd Floor Dover, Delaware 19901 Telephone: (302) 739-3323 Fax: (302) 739-5661 sandy.stump@state.de.us</p> | <p><u>DISTRICT OF COLUMBIA</u> Luisa Montero-Diaz Office of Partnerships and Grants Development Executive Office of the Mayor District of Columbia Government 441 4th Street, NW, Suite 530 South Washington, DC 20001 Telephone: (202) 727-8900 Fax: (202) 727-1652 opgd.eom@dc.gov</p> |
| <p><u>FLORIDA</u> Cindy Cranick 3900 Commonwealth Boulevard Douglas Building, Mailstop 47 Tallahassee, Florida 32399-3000 Telephone: (850) 922-5438 Fax: (850) 414-0479 cindy.cranick@dca.state.fl.us</p> | <p><u>GEORGIA</u> Barbara Jackson Georgia State Clearinghouse 270 Washington Street, SW Atlanta, Georgia 30334 Telephone: (404) 656-3855 Fax: (404) 656-7901 gach@mail.opb.state.ga.us</p> |
| <p><u>ILLINOIS</u> Rukaya McCaffrey Department of Commerce and Community Affairs 620 East Adams, 6th Floor Springfield, Illinois 62701 Telephone: (217) 524-0188 Fax: (217) 558-0473 rmccaffr@commerce.state.il.us</p> | <p><u>IOWA</u> Steven R. McCann Division of Community and Rural Development Iowa Department of Economic Development 200 East Grand Avenue Des Moines, Iowa 50309 Telephone: (515) 242-4719 Fax: (515) 242-4809 steve.mccann@ided.state.ia.us</p> |

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| <p>KENTUCKY Ron Cook Department for Local Government 1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601 Telephone: (502) 573-2382 Fax: (502) 573-2512 ron.cook@mail.state.ky.us</p> | <p>MAINE Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 (direct) (207) 287-1461 Fax: (207) 287-6489 joyce.benson@state.me.us</p> |
| <p>MARYLAND Linda C. Janey, J.D. Director, Capital Plng. & Devel. Review Maryland Department of Planning 301 West Preston Street, Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 Fax: (410) 767-4480 linda@mail.op.state.md.us</p> | <p>MICHIGAN Richard Pfaff Southeast Michigan Council of Governments 535 Griswold, Suite 300 Detroit, Michigan 48226 Telephone: (313) 961-4266 Fax: (313) 961-4869 pfaff@semcog.org</p> |
| <p>MISSISSIPPI Cathy Mallette Clearinghouse Officer Department of Finance and Administration 1301 Woolfolk Building, Suite E 501 North West Street Jackson, Mississippi 39201 Telephone: (601) 359-6762 Fax: (601) 359-6758</p> | <p>MISSOURI Angela Boessen Federal Assistance Clearinghouse Office of Administration P.O. Box 809 Truman Building, Room 840 Jefferson City, Missouri 65102 Telephone: (573) 751-4834 Fax: (573) 522-4395 igr@mail.ia.state.mo.us</p> |
| <p>NEVADA Heather Elliott Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701 Telephone: (775) 684-0209 Fax: (775) 684-0260 helliott@govmail.state.nv.us</p> | <p>NEW HAMPSHIRE Jeffrey H. Taylor Director, New Hampshire Office of State Planning Attn: Intergovernmental Review Process Mike Blake 2-1/2 Beacon Street Concord, New Hampshire 03301 Telephone: (603) 271-2155 Fax: (603) 271-1728 jtaylor@osp.state.nh.us</p> |
| <p>NEW MEXICO Ken Hughes Local Government Division Room 201 Bataan Memorial Building Santa Fe, New Mexico 87503 Telephone: (505) 827-4370 Fax: (505) 827-4948 khughes@dfa.state.nm.us</p> | <p>NORTH CAROLINA Jeanette Furney Department of Administration 1302 Mail Service Center Raleigh, North Carolina 27699-1302 Telephone: (919) 807-2323 Fax: (919) 733-9571 jeanette.furney@ncmail.net</p> |
| <p>NORTH DAKOTA Jim Boyd Division of Community Services 600 East Boulevard Ave, Dept 105 Bismarck, North Dakota 58505-0170 Telephone: (701) 328-2094 Fax: (701) 328-2308 jboyd@state.nd.us</p> | <p>RHODE ISLAND Kevin Nelson Department of Administration Statewide Planning Program One Capitol Hill Providence, Rhode Island 02908-5870 Telephone: (401) 222-2093 Fax: (401) 222-2083 knelson@doa.state.ri.us</p> |
| <p>SOUTH CAROLINA Omeagia Burgess Budget and Control Board Office of State Budget 1122 Ladies Street, 12th Floor Columbia, South Carolina 29201 Telephone: (803) 734-0494 Fax: (803) 734-0645 aburgess@budget.state.sc.us</p> | <p>TEXAS Denise S. Francis Director, State Grants Team Governor's Office of Budget and Planning P.O. Box 12428 Austin, Texas 78711 Telephone: (512) 305-9415 Fax: (512) 936-2681 dfrancis@governor.state.tx.us</p> |

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| <p><u>UTAH</u> Clare Walters Utah State Clearinghouse Governor's Office of Planning and Budget State Capitol, Room 116 Salt Lake City, Utah 84114 Telephone: (801) 538-1555 Fax: (801) 538-1547 cwalters@utah.gov</p> | <p>WEST VIRGINIA Fred Cutlip, Director Community Development Division West Virginia Development Office Building #6, Room 553 Charleston, West Virginia 25305 Telephone: (304) 558-4010 Fax: (304) 558-3248 fcutlip@wvdo.org</p> |
| <p><u>WISCONSIN</u> Jeff Smith Section Chief, Federal/State Relations Wisconsin Department of Administration 101 East Wilson Street, 6th Floor P.O. Box 7868 Madison, Wisconsin 53707 Telephone: (608) 266-0267 Fax: (608) 267-6931 jeffrey.smith@doa.state.wi.us</p> | <p>AMERICAN SAMOA Pat M. Galea'i Federal Grants/Programs Coordinator Office of Federal Programs/Office of the Governor Department of Commerce American Samoa Government Pago Pago, American Samoa 96799 Telephone: (684) 633-5155 Fax: (684) 633-4195 pmgaleai@samoatelco.com</p> |
| <p>GUAM Director Bureau of Budget and Mgmt. Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: 011-671-472-2285 Fax: 011-472-2825 jer@ns.gov.gu</p> | <p>PUERTO RICO Jose Caballero / Mayra Silva Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (787) 723-6190 Fax: (787) 722-6783</p> |
| <p>NORTH MARIANA ISLANDS Ms. Jacoba T. Seman Federal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (670) 664-2289 Fax: (670) 664-2272 omb.jseman@saipan.com</p> | <p>VIRGIN ISLANDS Ira Mills Director, Office of Management and Budget #41 Norre Gade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 Telephone: (340) 774-0750 Fax: (340) 776-0069 irmills@usvi.org</p> |

IMPORTANT NOTICE TO PROSPECTIVE PARTICIPANTS IN U.S. DEPARTMENT OF EDUCATION CONTRACT AND GRANT PROGRAMS

GRANTS

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds.

Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste.

For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that:

Failure to meet a deadline will mean that an applicant will be
Rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending \$340.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. (Send check or money order only, no cash or stamps.)

The instructions in the Federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, D.C. 20202-4725

CONTRACTS

Competitive procurement actions undertaken by the ED are governed by the Federal Procurement Regulation and implementing ED Procurement Regulation.

Generally, prospective competitive procurement actions are synopsized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBD is available for \$208.00 per year via second class mailing or \$261.00 per year via first class mailing. Information included in the Federal Acquisition Regulation is contained in Title 48, Code of Federal Regulations, Chapter 1 (\$49.00). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all ED mail to the public. You may therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

APPLICATION TRANSMITTAL INSTRUCTIONS

An application for an award must be mailed or hand delivered by the closing date.

Applications Sent By Mail:

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: CFDA 84.354A, 400 Maryland Avenue, SW, Washington, DC 20202-4725.

An application must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service Postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does **not** accept either of the following as proof of mailing:

- (1) A private metered postmark, or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand/Courier Service:

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, General Services Administration National Capital Region, 7th and D Streets, SW, Washington, DC 20202-4725. **You must mark the package "Attention: CFDA 84.354A."**

The Application Control Center will accept deliveries between 8:00 a.m., and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays.

Individuals delivering applications must use the D Street Entrance. Proper identification is necessary to enter the building.

In order for an application sent through a Courier Service to be considered timely, the Courier Service must be in receipt of the application on or before the closing date.